

I.R.C.P. 81.c. Transfer to Magistrates Division - When Permitted.

Idaho Rules of Civil Procedure Rule 81(c). Transfer to Magistrates Division - When Permitted.

In the event the defendant in a small claim filed in the small claims department files an action in the magistrates division of the district court or the district court, which action arises out of the same transaction or occurrence, or is in the nature of a compulsory counterclaim as defined by Rule 13(a), I.R.C.P., then and in such event the judge or magistrate presiding over the non-small claim action shall order the small claim transferred to the magistrates division or district court and consolidated with that action for trial under the I.R.C.P. Except as provided above, a defendant in a small claim shall have no right to have the small claim transferred to the magistrates division or the district court.

(Adopted April 11, 1979, effective May 1, 1979.)

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